

REMARKS/ARGUMENTS

Favorable reconsideration of this Application, as presently amended and in light of the following discussion, is respectfully requested.

This Amendment is supplemental to the amendment filed July 19, 2004 and is further response to the Final Office Action mailed on April 30, 2004. Claims 1-12 are pending in the Application and stand rejected. Claims 1-12 are amended by the present Amendment without the introduction of any new matter. Note, for example, the specification at page 18, lines 23-page 19, line 1 and page 21, lines 11-page 22, line 15.

Summarizing the outstanding Office Action, Claims 1-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Udagawa (U.S. Patent No. 6,195,125, hereinafter “Udagawa”) in view of Goto et al. (U.S. Patent No. 5,678,106, hereinafter “Goto”).

Turning to the teachings and fair suggestions of Udagawa and Goto it is noted that neither of these references alone or in combination the claimed comparing of a reference voltage corresponding to a predetermined amount of displacement of the imaging device with a piezoelectric element voltage and to provide an output indicating that the piezoelectric element voltage is less than the reference voltage, which output is then used during the charging operation to trigger the charging of the piezoelectric element from the strobe supplying capacitor storage device.

Thus, while Goto describes driving a shutter by means of a piezoelectric element and using power supply P2 for the EL circuit or the power supply P3 for the strobe (voltage P3>P2) with a possibility of using P2 instead of P3 as taught at col. 16, lines 63-67 and col. 17, lines 1-10, these teachings do not suggest the comparing now claimed.

Furthermore, while Goto teaches dividing the voltage generated at the terminal of the piezoelectric element upon the application of voltage and comparing to a reference voltage 45 at col. 15, lines 26-32, this is only done to determine if the piezoelectric element (actuator 1)

is "normal" and if not "normal," a signal indicating an abnormality in the insulation is provided to the CPU. Nothing is taught or suggested as to the result of the comparison being used during the charging operation to trigger the charging of the piezoelectric element from the strobe supplying capacitor storage device when the piezoelectric element voltage is less than the reference voltage.

Moreover, Udagawa merely teaches shifting pixels by using a piezoelectric element but fails to provide any details as to how to specifically accomplish this piezoelectric element usage in the manner claimed.

In contrast, in the present invention, the reference voltage is a voltage that is required to displace the imaging device by a predetermined distance and judgment as to whether or not the imaging device is displaced by a predetermined distance is made by comparing the divided voltage of the piezoelectric element with the reference voltage as described on page 18, lines 23-25 and page 19, line 1 as well as page 21, lines 11-22.

Since the piezoelectric element used in Goto is to drive the shutter, it is natural that Goto fails to teach displacement of the imaging device by a predetermined distance. Udagawa also fails to specifically teach how to displace the imaging device. Therefore, the Examiner's position that the present invention is obvious over Goto even taken with Udagawa.

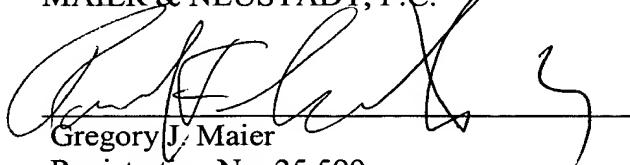
Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-12 is earnestly solicited.

Application No. 09/677,880
Reply to Office Action of April 30, 2004

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representatives at the below listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Registration No. 25,599
Raymond F. Cardillo, Jr.
Registration No. 40,440
Attorneys of Record

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/03)